

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

INDIANA PROTECTION AND)	
ADVOCACY SERVICES COMMISSION, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:08-CV-1317-TWP-MJD
)	
COMMISSIONER, INDIANA DEPARTMENT)	
OF CORRECTION,)	
)	
Defendant.)	

Entry Discussing Motion filed by Leroy Jeffers

The motion to commute sentence of Indiana inmate Leroy Jeffers filed on September 30, 2011, has been considered.

Mr. Jeffers may or may not be a member of the plaintiff-class. Assuming for the present that he is, however, his motion to commute his sentence from an Indiana state court does not establish that he is entitled to relief. More specifically, he alleges in his motion that the particular circumstances of his confinement violate the Eighth Amendment's proscription against the imposition of cruel and unusual punishment and that Indiana is unable to care for his myriad physical and mental health needs.

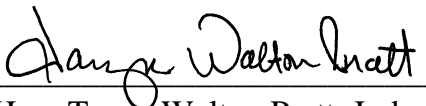
It would be exceptional for a federal court to determine that release of a state inmate is compelled by the circumstances of his confinement. It has occurred recently, as the parties are aware, in *Brown v. Plata*, 131 S. Ct. 1910, 1930-31 (2011)(confirming that injunctive relief may be instituted only as "necessary to correct a current and ongoing violation" (citing 18 U.S.C. § 3626), but the court has not concluded that there is a constitutional violation associated with the plaintiffs' claims and has not ordered any

particular relief, much less that specific inmates or that inmates with particular profiles be released. Such an order, moreover, would not negate or modify an inmate's sentence.

For the reasons explained above, therefore, Mr. Jeffers is not entitled to the relief sought in his motion to commute sentence, and that motion [Dkt. 249] is **denied**.

IT IS SO ORDERED.

Date: 10/31/2011


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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